

II. Remarks

By this paper, Applicants are amending claims 1, 7, and 20. Therefore, after entering this amendment, claims 1-23 are currently pending.

Reconsideration and further examination of this application in view of the above amendments and the following remarks is therefore respectfully requested.

Claim Rejections – 35 U.S.C. § 102(b)

The Examiner rejected claims 1-4, 6-14, 16, 17, 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by *Dull et al.* (US 2,876,313).

With respect to claims 1-4 and 6, claim 1 recites that the adjustment member has a plurality of *generally equally-spaced protrusions located along a generally circular, continuous path* that are configured to selectively engage the contact portion of the first contact member and induce a first electrical connection and to selectively engage the contact portion of the second contact member and induce a second electrical connection. Claim 1 further recites the adjustment member has a plurality of troughs located between adjacent protrusions, where the troughs receive the first contact member when the first electrical connection is disconnected and receive the second contact member when the second electrical connection is disconnected.

As a first example, *Dull et al.* fails to disclose a plurality of troughs that receive the first and second contact members when the electrical connections are disconnected, as recited in claim 1. More specifically, the notches 31 only engage the contact arms 20 when the electrical connection is present between the face 29 and one of the contact arms 20. (*Dull et al.*, col. 3, line 55 – col. 4, line 5). Therefore, even if the term “protrusion” in claim 1 encompasses the portions of a surface that are not depressed, such as face 29 in *Dull et al.*, the surface portions 29 cited by the Examiner do not anticipate claim 1. The Examiner states that Figures 5 and 7 show the right and left terminals being out of contact with the right and left contact members. Since the left contact arm 20 is contacting the left terminal 17 in Figure 5 and the right contact arm 20 is contacting the right terminal 17 in Figure 7, it is submitted that the terminals actually are in contact with the members in those figures. The terminals are only out of contact with the contact members when one of

the respective contact arms 20 is no longer aligned with the flange 29 that extends from the stem 22. (*Dull et al.*, col. 3, lines 13 –19; col. 3, line 55 – col. 4, line 5). Therefore, the neither of the contact members 20 are received within a trough when their respective electrical connections are disconnected.

As a second example, *Dull et al.* fails to disclose an adjustment member having a plurality of generally equally-spaced protrusions located along a generally circular, continuous path, as recited in claim 1. Even if the term “protrusion” in claim 1 encompasses the face 29 in *Dull et al.*, the surface portions 29 are not generally equally-spaced from each other along a generally circular, continuous path. More specifically, the surface portions 29 are discontinued by a gap in the flange 28 that receives the contact arms 20. (*Dull et al.*, Figures 2 & 3, col. 3, line 55 – col. 4, line 5). Furthermore, the switch 10 would not be able to effectively operate without the gap in the flange 28 because the contact arms 20 would always be electrically connected with the respective terminals 17.

Therefore, claim 1 as amended is not anticipated by *Dull et al.* Furthermore, claims 2-4 and 6, which depend from claim 1, are not anticipated by *Dull et al.*

With respect to claims 7-14, 16, 17, and 19, claim 7 recites an adjustment member having a second end defining a wave-shaped surface extending *continuously* along a circular path and having a plurality of peaks. Claim 7 further recites that the adjustment member has a plurality of troughs located between adjacent protrusions, where the troughs receive the first contact member when the first electrical connection is disconnected.

As a first example, *Dull et al.* fails to disclose a wave-shaped surface extending continuously along a circular path and having a plurality of peaks, as recited in claim 7. Even if the term “peaks” in claim 7 encompasses the portions of a surface that are not depressed, such as face 29 in *Dull et al.*, then the surface portions 29 cited by the Examiner do not anticipate claim 7. More specifically, the notches 31 and face 29 only extend around a portion of a circular path extending around the switch 10. (*Dull et al.*, col. 3, lines 20-54).

As a second example, *Dull et al.* fails to disclose a wave-shaped surface as recited in claim 7. Due to the flat surface 20 extending over a substantial distance

between the respective notches 31, the switch 10 does not include a wave-shaped surface along even a portion of the circular path. A “wave” is commonly defined as a “shape or outline having successive curves.” (See *Merriam-Webster’s Collegiate Dictionary*, 10th Edition, p. 1332).

As a third example, *Dull et al.* fails to disclose a plurality of troughs that receive the first contact member when the electrical connection is disconnected. Even if the term “protrusion” in claim 7 encompasses the portions of a surface that are not depressed, such as face 29 in *Dull et al.*, then the surface portions 29 cited by the Examiner do not anticipate claim 7. More specifically, the notches 31 only engage the contact arms 20 when the electrical connection is present between the face 29 and one of the contact arms 20. (*Dull et al.*, col. 3, line 55 – col. 4, line 5). The Examiner states that Figures 5 and 7 show the right and left terminals being out of contact with the right and left contact members. However, the terminals are only out of contact with the contact members when one of the respective contact arms 20 is no longer aligned with the flange 29 that extends from the stem 22. (*Dull et al.*, col. 3, lines 13 –19; col. 3, line 55 – col. 4, line 5). Therefore, the neither of the contact members 20 are received within a trough when their respective electrical connections are disconnected.

Therefore, claim 7 as amended is not anticipated by *Dull et al.* Furthermore, claims 6-14, 16, 17, and 19, which depend from claim 7, are not anticipated by *Dull et al.*

With respect to claim 20, claim 20 recites a knob having a second end defining a generally wave-shaped surface extending continuously along a circular path and having a plurality of peaks.

Dull et al. fails to disclose a knob having wave-shaped surface extending continuously along a circular path and having a plurality of peaks. The switch 10 disclosed in *Dull et al.* is not a knob as recited in claim 20. Rather, the switch 10 includes a portion 21 that is configured to be coupled to a knob (not shown), but is not a knob itself. (*Dull et al.*, col. 2, line 71 – col. 3, line 5). Therefore, claim 20 is not anticipated by *Dull et al.*

Furthermore, the notches 31 and face 29 in *Dull et al* only extend around a portion of a circular path extending around the switch 10 and do not define a wave, as discussed with respect to claim 7. (*Dull et al.*, col. 3, lines 20-54).

The Examiner rejected claims 1-4, 6-14, 16, 17, 19 and 20 under 35 U.S.C. § 102(b) as being anticipated by *Senoh* (US 4,539,444).

With respect to claims 1-4 and 6, claim 1 recites that the adjustment member has a plurality of *generally equally-spaced protrusions located along a generally circular, continuous path* that are configured to selectively engage the contact portion of the first contact member and induce a first electrical connection and to selectively engage the contact portion of the second contact member and induce a second electrical connection.

As an example, *Senoh* fails to disclose fails to disclose an adjustment member having a plurality of generally equally-spaced protrusions located along a generally circular, continuous path as recited in claim 1. Even if the term "protrusion" in claim 1 encompasses the surface 26 in *Senoh*, the portions of the surface 26 are not generally equally-spaced from each other and along a generally circular, continuous path. More specifically, the portions of the surface 26 are separated from each other by cam lands 27 having varying sizes and positions. (*Senoh*, Figure 12, col. 4, line 26-57).

Therefore, claim 1 as amended is not anticipated by *Senoh*. Furthermore, claims 2-4 and 6, which depend from claim 1, are not anticipated by *Senoh*.

With respect to claims 7-14, 16, 17, and 19, claim 7 recites an adjustment member having a second end defining a wave-shaped surface extending *continuously* along a circular path and having a plurality of peaks.

As a first example, *Senoh* fails to disclose fails to disclose an adjustment member having a wave-shaped surface extending continuously along a generally circular path as recited in claim 7. Even if the term "protrusion" in claim 7 encompasses the surface 26 in *Senoh*, the portions of the surface 26 are not generally equally-spaced from each other and along a generally circular, continuous path. More specifically, the portions of the surface 26 are separated from each other

by cam lands 27 having varying sizes and positions. (*Senoh*, Figure 12, col. 4, line 26-57).

As a second example, *Senoh* fails to disclose a wave-shaped surface as recited in claim 7. Due to the flat surfaces defining the surface 26 and the cam lands 27, the rotatable driver 25 does not include a wave-shaped surface along even a portion of the circular path. A “wave” is commonly defined as a “shape or outline having successive curves.” (*Merriam-Webster’s Collegiate Dictionary, 10th Edition*, p. 1332).

Therefore, claim 7 as amended is not anticipated by *Senoh*. Furthermore, claims 6-14, 16, 17, and 19, which depend from claim 7, are not anticipated by *Senoh*.

With respect to claim 20, claim 20 recites a knob having a second end defining a generally wave-shaped surface extending continuously along a circular path and having a plurality of peaks.

Senoh fails to disclose a knob having wave-shaped surface extending continuously along a circular path and having a plurality of peaks. The cam lands 27 in *Senoh* are planar surfaces that only extend around a portion of a circular path extending around the rotatable driver 25, as discussed with respect to claim 7. (*Senoh*, col. 4, lines 26-51).

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected claims 15 and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Senoh* (US 4,539,444).

Claim 15 is indirectly dependant from claim 7, and therefore is allowable for the reasons discussed above. Similarly, claim 21 is dependant from claim 20 and is also allowable for the reasons discussed above.

The Examiner rejected claim 5, 18, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Senoh* (US 4,539,444) in view of *Rose* (US 4,551,587).

Claim 5 is indirectly dependant from claim 1, and therefore is allowable for the reasons discussed above. Similarly, claim 18 is indirectly dependant from claim 7

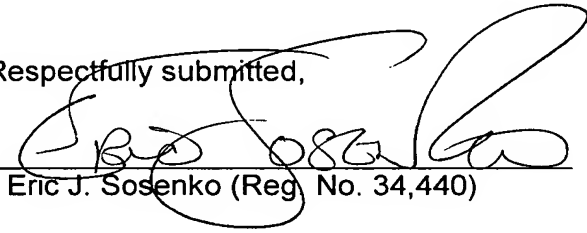
and is also allowable for the reasons discussed above. Furthermore, claims 22 and 23 are indirectly dependent from claim 20 and are also allowable for the reasons discussed above.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

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Date

Respectfully submitted,


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